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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,177	08/29/2000	Robert A. Cordery	F-190	9743

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EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/650,177

Applicant(s)

CORDERY ET AL.

Examiner

Calvin L. Hewitt II

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Status of Claims***

1. Claims 35 and 37 have been examined.

***Response to Arguments***

2. According to the Applicant, the present method is distinguished from the prior art in that in the teachings of Fisher requires that a public/private key pair be generated and activated at the same time whereas in Applicant's method the private key is not activated until it has been determined that sufficient funds are present. The Examiner respectfully disagrees with Applicant's assertion. Regarding Applicant's teaching, Applicant's Disclosure is silent regarding a specific private key activation step. Therefore, for purposes of Examination "activating a private key" is equivalent to paying or deducting funds for obtaining a certificate (Specification, page 18, lines 5-7). In the Fisher system, a private key does not become "activated" until its public counterpart is certified by an authority ('200, column 18, lines 32-68) and an obvious modification of Fisher is to compensate an authority for providing certificate services ('200, figure 5). Therefore, as Taylor teaches purchasing goods and services over the internet from a personal computer (i.e. meter) ('232, column 6, lines 55-68) it would have been obvious to one of ordinary skill to combine the teachings of Fisher and Taylor in order to pay for certification services.

The 112 Rejection is also maintained because the scope of claim 35 is not clear. Specifically, Applicant has not provided one of ordinary skill how the Applicant's method is to perform if there the register lacks sufficient funds.

The following assertion of facts has gone unchallenged by the Applicant and are now considered admitted prior art:

- implementing a postage meter within a personal computer

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 35 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites performing the steps of "sending", "receiving", deducting" and "activating", "if sufficient funds are present". However, the Applicant has not provided one of ordinary skill how the Applicant's method is to perform if the register lacks sufficient funds. Conditional statements necessarily embody two possibilities ("if" and "if not"), therefore, Applicant's method is broad enough to read on a method where the register lacks "sufficient" funds and the steps of "sending", "receiving", deducting" and "activating" do not take place.

Claim 37 is also rejected as it depends from claim 35.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher, U.S. Patent No. 5,005,200 in view of Taylor, U.S. Patent No. 5,530,232.

As per claims 35 and 37, Fisher teaches a method for obtaining a cryptographic certificate comprising: receiving at a device, such as the device of party A (column 9, lines 20-34), a request for a cryptographic certificate (column 3, lines 53-68; column 6, lines 36-65; column 18, lines 32-68). However, Fisher does not explicitly recite a metering device including a register having funds stored therein. Taylor teaches metering device including a register having funds stored therein. Specifically, Taylor teaches a data card (column 6, lines 44-49) connected to a personal computer (column 6, lines 55-68) for making electronic purchases via modem (column 6, lines 63-67). One of ordinary skill in light of the

teachings of Taylor would before making a purchase determine if the smart cash card (column 6, lines 44-49) had sufficient value in order to perform an electronic transaction (column 6, lines 56-64) such as an electronic purchase. Further, implementing a postage meter in a personal computer ('200, column 9, lines 20-34; '232, column 6, lines 55-58) is old and well known. Therefore, it would have been obvious to combine the teachings of Fisher and Taylor in order to allow a user to protect user financial information while making a purchase over an insecure network

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Calvin Loyd Hewitt II

June 5, 2005

JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600